

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CHARLES BROWN

PETITIONER

v.

No. 4:13CV155-MPM-JMV

WARDEN GLORIA WESLEY

RESPONDENTS

MEMORANDUM OPINION

This matter comes before the court on the *pro se* petition of Charles Brown for a writ of *habeas corpus* under 28 U.S.C. § 2241. The State has moved to dismiss the petition for failure to state a claim upon which relief could be granted. Brown has not responded to the motion, and the deadline for response has expired. For the reasons set forth below, the State's motion to dismiss will be granted, and the instant petition for a writ of *habeas corpus* will be dismissed for failure to state a claim upon which relief could be granted.

Facts and Procedural Posture

Charles Brown filed his federal petition for a writ of *habeas corpus* on September 3, 2013. In that document, he alleged that he was housed at the Bolivar County Correctional Facility in Cleveland, Mississippi. He had been arrested on a Wisconsin warrant alleging that he had failed to register as a sex offender. Though Brown was "booked in" to the Bolivar County Correctional Facility on June 13, 2013, for contempt of court, he was transferred on October 20, 2013, to the state of Wisconsin. He has since returned to this state, resides in Cleveland, Mississippi, and is no longer in custody. Brown alleges in the instant petition that: (1) he was illegally detained, (2) that he was not taken before a judge in a timely manner, (3) that he was not permitted to have an attorney, and (4) that he was denied reasonable access to court.

Discussion

As Brown has been released, he no longer meets the requirements for seeking federal *habeas corpus* relief, as he is not “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). For this reason, the instant petition for a writ of *habeas corpus* under 28 U.S.C. § 2241 is **DISMISSED** for failure to state a claim upon which relief could be granted. A final judgment consistent with this memorandum opinion will issue today.

SO ORDERED, this, the 28th day of May, 2014.

/s/ Michael P. Mills
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI